

REMARKS

In response to the above-noted Office Action, Applicant has amended the abstract responsive to the objection set forth at pages 2-3 of the Action. Additionally, Claim 26 has been amended responsive to the objection to Claim 26 as indicated at page 3 of the Action.

In the Action, the Examiner notes Applicant's priority claim and indicates that the Declaration does not include a priority claim as required by 35 U.S.C. 119(e). In response, submitted herewith is an application data sheet containing the domestic priority claim.

Claims 10-12, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph. In particular, the Examiner indicates that Claims 10 and 21 are rejected as being incomplete for omitting essential elements, the Examiner indicating that the recited plurality of rules are not disclosed or described in the claim in such a way as to facilitate an understanding of what exactly is being claimed. In response, Applicant notes that the plurality of rules are described in the application at paragraph [00014] on page 4 continuing to page 5. The rules set forth in the specification are set forth as a specific example of the rules. In this connection, Applicant submits that a person skilled in the art, reading the claims in view of the specification, would clearly understand that the plurality of rules refers to the example of rules, namely Rule 1 - Rule 6 set forth in the specification. In connection, Applicant submits that the applicable MPEP Section is MPEP § 2173.02 which states:

“The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.”

Taking into account the content of the application disclosure as set forth by the above provides clear understanding to one of the ordinary skill in the art an understanding of exactly what is being claimed. In this connection, the specific rules set forth in the specification are provided by way of example, but one skilled in the art would know to make suitable adjustments to meet a specific requirement.

Accordingly, reconsideration and withdrawal of the rejection of Claims 10 and 21 under 35 U.S.C. 112, second paragraph is requested. Regarding the rejection of Claim 11, Applicant has amended Claim 11 to remove the term which does not have proper antecedent basis.

Claims 1-6, 8-14, 16 and 18-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Godin et al. Reconsideration and withdrawal of this rejection is requested in view of the following.

The present invention is directed to calculating a sales trend condition for a plurality of products based on current time, sales data, and product data. When requested by a prospective purchaser, a web page is presented which includes a sales trend indicator representing the sales trend condition for each of the products. Figure 2 illustrates the key features of the invention which illustrates product information for five products, each having a current status 220 which is shown as warm 224, on fire 228, smoking 225, available 222 and hot 226. Also shown for each product are the quantity left, the time left and price, columns 230, 240 and 250 respectively. In support of the rejection, the Examiner contends that Godin et al. teaches calculating a sales trend condition for each of the products based on a current time, the sales data for each of the products, and product data for each of the products, referring to Figure 10, column 1, lines 66-67 to column 2, lines 1-5. The Examiner also indicates that a sales trend indicator is provided in Figure 10, elements 142, 144 and 146.

In response, Applicant notes that firstly, Figure 10 refers to a single product, not a plurality of products as specified in the claims, and supported by the specification and, Figure 2 in particular. Each of the independent claims 1, 13, 23 and 26 is directed to a plurality of products. Additionally, for the single product illustrated in Godin et al., there is no calculated sales trend condition as required by independent Claims 1 and 26 or sales trend status indicator as required by Claim 13 or applying a plurality of rules as required by Claim 23. While Godin et al. teaches a display in which the number of units left, price, and time left are periodically updated, there is no sales trend indicator representing the sales trend condition of each of the products as disclosed and claimed by Application. More specifically, Applicant's sales trend indicator which as shown in Figure 2 may be one of warm, on fire, smoking, available, and hot provides to the customer an instant indication of the sales trend of each of the displayed products. In Godin et al., the customer needs to view the webpage showing the single product over a period of time in order to determine the sales trend of that one product. For example,

Figure 10 of Godin et al. shows that there 10 units left, and a price of \$260 with 2 minutes (or 2 hours). (The specification indicates that the display is 2 minutes, but it could easily be 2 hours). In any event, the user would need to constantly look at the display to determine changes to the number of units left, price, and time left in order to figure out the sales trend. Godin et al. does not do any calculations regarding sales trend, or provide any sales trend indication to the user other than the above mentioned changing values over a period of time. By way of contrast, the present invention, in effect, performs the sales trend calculation and displays a current sales trend indicator on the display, enabling the potential customer to determine the current sales trend condition without having to see how things are going over a period of time.

Accordingly, Applicant submits that Godin et al. does not teach or suggest calculating a sales trend condition for each of a plurality of products, and does not provide a sales trend indicator representing the sales trend condition for each of the products as disclosed and claimed by Applicant. As each of the independent claims contain the foregoing limitations, Applicant submits that these claims, and all the dependent claims, which contain further limitations, are patentably distinguishable over Godin et al.

Regarding the Examiner's request for information under 37 CFR 1.105, the Examiner indicates that no date is given as to when the webpage illustrated in Figure 2 was first created. It appears that this request is due to the fact that the webpage is titled ecost.com, apparently identifying a legal entity which is different than the Assignee PC Mall, Inc. Since there does not appear to be any basis for requiring information other than this apparent discrepancy between the display of the name ecost.com and the Assignee name PC Mall, Inc., Applicant responds as follows.

At the time the application was filed, PC Mall, Inc. was the employer of the inventors and ecost.com was a subsidiary of PC Mall, Inc. ecost.com is now a separate legal entity from PC Mall, Inc. and which has assigned all rights relevant to this invention to ecost.com. A formal Assignment to ecost.com has been, or shortly will be submitted for recordation in the U.S. Patent and Trademark Office.

In view of the foregoing amendment and response, Applicant submits that all outstanding requirements have addressed and the claims pending for examination, namely claims 1-30 are in condition for allowance, which early action is requested. If the Examiner believes a telephone

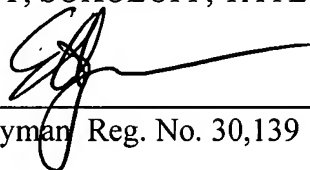
conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R §§ 1.16 or 1.17, particularly, extension of time fees.


Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 3/27, 2007

By: 
Eric S. Hyman Reg. No. 30,139

CERTIFICATE OF MAILING

<p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800</p>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>3/27/07</u>.</p> <p> Vi Hoang</p> <p><u>3/27/07</u> Date</p>
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